

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

SARAH MEARES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:05CV150 CDP
)	
JO ANNE B. BARNHART,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on appeal from an adverse ruling of the Social Security Administration. The Court referred this matter to United States Magistrate Judge Mary Ann L. Medler for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On March 22, 2006, Judge Medler filed her recommendation that the Commissioner's decision be affirmed and that plaintiff's complaint be dismissed.

Plaintiff timely objected to the Report and Recommendation. In her objections, plaintiff merely restates the arguments raised before Judge Medler in support of the complaint. I have conducted a de novo review of the entire file, including all matters relevant to the complaint. After careful consideration, I will adopt and sustain the thorough reasoning of Magistrate Judge Medler.

Plaintiff claims that Judge Medler erred in determining that substantial evidence supports the ALJ's decision that plaintiff is not disabled. Specifically, plaintiff objects to Judge Medler's conclusion that plaintiff's mental impairment did not meet the duration requirement for disability. I disagree. Judge Medler reviewed the ALJ's decision under the appropriate standard of review, correctly summarized the evidence and properly concluded that "[b]ecause the record reflects that plaintiff received counseling and treatment for her mental impairment less than twelve months and that after treatment plaintiff's condition had improved to a level where her condition was moderate to mild, . . . substantial evidence supports the ALJ's decision that plaintiff's alleged mental impairment did not last or expected to last for a continuous period of 12 months." Accordingly, I will overrule plaintiff's objection to this finding and adopt the Report and Recommendation of Judge Medler.

Judge Medler also found that "the ALJ's conclusion that the record does not establish that plaintiff was unable to perform basic work-related activities for at least a continuous period of 12 months is supported by substantial evidence on the record." Plaintiff objects to this conclusion on the same grounds raised in support of the complaint. Once again, after de novo review, I agree with Judge Medler's conclusion. She reviewed the ALJ's decision under the appropriate standard of review, correctly summarized the evidence and properly concluded that the ALJ's

determination was supported by substantial evidence on the record. Judge Medler also correctly determined that the ALJ was not required to proceed any further with the sequential analysis because he found at Step 3 that plaintiff did not meet the duration requirement. For these reasons, I will overrule plaintiff's objections to these findings and adopt the Report and Recommendation issued by Judge Medler.

Plaintiff also argues that Judge Medler incorrectly determined that the ALJ's credibility determinations were supported by substantial evidence on the record as a whole. Specifically, plaintiff contends that the ALJ improperly discounted her subjective complaints of pain and failed to take her financial condition into account when considering her lack of continued medical treatment and her ability to work a part-time job. Judge Medler concluded that the ALJ's evaluation of these issues was "consistent with the Regulations and case law." I agree with Judge Medler's recommended ruling on this issue, so plaintiff's objections will be overruled.


Finally, plaintiff reiterates her argument that the ALJ should not have relied on the Medical Vocational Guidelines. I agree with Judge Medler's decision that this argument is without merit, so I will overrule plaintiff's objection to this recommended ruling and adopt the Report and Recommendation issued on March 22, 2006 in its entirety.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation issued by Magistrate Judge Mary Ann L. Medler on March 22, 2006 [#15] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that the decision of the Commissioner is affirmed and this case is dismissed with prejudice.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 17th day of April, 2006.